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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,788	08/29/2001	Yuji Ono	011075	4613

23850 7590 06/20/2003

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WASHINGTON, DC 20006

EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 06/20/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/940,788

Applicant(s)

ONO ET AL.

Examiner

Joseph Perrin, Ph.D.

Art Unit

1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

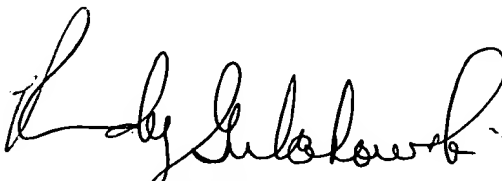
8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: Applicant's arguments, which appear to be the same as filed in the response filed 10 Feb 2003 (Paper No. 5), are still not persuasive for reasons of record set forth in the Final Office action mailed 11 March 2003 (Paper No. 7).

Specifically, applicant argues that since Bergman's apparatus appears to supply no gas at all to the center, that Bergman's method clearly differs from claim 1. This is not persuasive because Bergman's disclosure still reads on applicant's claimed limitation of "the amount of inert gas...is such that the amount of inert gas supplied at the outer peripheral portion is larger than that at the center thereof" as cited in the previous Office action. It is also noted that little or "no" gas supplied to the center is considered to be less than what is supplied to the outer periphery disclosed by Bergman. Accordingly, the disclosure of Bergman reads on the present invention as claimed.

Further in response that applicant's arguments that comparison of the apparatus of Bergman and the apparatus of applicant were "valid", the same position is taken that since the method of applicant, and not the apparatus of applicant is being claimed, the comparison of the apparatus of Bergman and the apparatus of applicant is not persuasive. Thus, applicant has not shown how the method as claimed is not read upon by the disclosure of Bergman.

Re Cady, applicant repeats arguments that "Cady does not appear to be disclosing more inert gas supplied at the outer peripheral portion than at the center." This is not persuasive for at least reasons of record. Specifically, Figures 6-8B of Cady clearly show fluid flow guides such that the flow of fluids, e.g. nitrogen drying gas, direct the gas supply more towards the outer periphery than to the center. Thus, Cady discloses supplying more gas to the outer periphery of the wafer than the center of the wafer. The disclosure of Cady reads on the present invention as claimed.



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